

REMARKS

Claims 9 and 10 have been amended to meet the issues raised under 35 USC 101. Method of treatment claims have been added corresponding to the composition claims

Claim 1 has been clarified to make it clear that one or more vitamins may be present.

Turning to the issues raised under 35 USC 103, claim 1 of the present application is directed to a composition consisting essentially of strontium, one or more of the specified amino acids, one or more of the specified mineral elements and one or more vitamin. The office action rejects all claims over a combination of WO 00/07607 (Kosbab), Sips et al and WO 01/15552 (Wright).

Kosbab discloses an cancer-protective and cancer therapeutic composition which comprises a bio-flavanoid-containing plant extract having an anti-oxidant effect, a neovascular regulator and absorbable zinc. Very wide ranges of antioxidants and neovascular agents are listed and it is further indicated that the composition should contain other materials such as collagen factors, minerals, amino acids, fats and other components. While it is true that strontium and some of the amino acids specified in the claims of the present application are mentioned in Kosbab, there is nothing in Kosbab to point to the particular combination of the present invention out of the multitude of possible compositions contemplated by the reference.

Kosbab does not teach that strontium alone or in combination with a selection of amino acids can be used in the treatment or prophylaxis of cancer or in a composition for this purpose. The current invention provides a pharmaceutical agent which essentially consists of strontium and at least one amino acids selected from the group consisting of arginine, serine, asparagine, glycine, glutamine, lysine and at least one mineral element selected from the group consisting of chromium, tin, vanadium and wolfram and vitamins. This is a limited selection of amino acids and mineral elements with strontium being an essential component. The transitional phrase in the claims is “consisting essentially

of' and so the claims do not extend to compositions or methods that include do not include additional components that may change the properties of the composition..

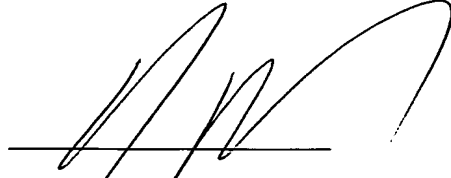
Kosbab does not teach a person skilled in the art that selection of mineral elements and amino acids according to claim 1 is useful for the treatment or prophylaxis of cancer. Kosbab does not teach any specific therapeutic effect of strontium or any other mineral element. Therefore, the pharmaceutical agent according to claim 1 cannot be considered obvious over it.

In addition to the above, Kosbab teaches that zinc is an essential component in the therapeutic composition. The current invention does not employ zinc for the treatment of cancer. In fact, in the specification of the invention on page 5 line 23 (point 5) it is stated that patients should avoid foods and vitamin preparations rich in zinc, since zinc is possible growth factor for renal adenocarcinoma cells. Therefore, the current invention is not only non-obvious in view of Kosbab, but Kosbab teaches away from the explicit selection of minerals and amino acids as set out in current claim 1.

Neither of the other references overcomes this fundamental defect in the teaching of Kosbab such that they could be combined with it for one skilled in the art to have a reason for making the present invention. Kosbab requires zinc. The present invention teaches that zinc should be avoided and the consisting essentially of language of claims 1 and 12 excludes zinc-containing compositions.

It is therefore submitted that the requirements of 35 USC 103 have been met and that this application should be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line.

JOHN RICHARDS

C/O LADAS & PARRY LLP

26 WEST 61ST STREET

NEW YORK, NEW YORK 10023

REG. NO. 31053

TEL. NO. (212) 708-1890